

Message

From: Messina, Edward [Messina.Edward@epa.gov]
Sent: 2/24/2021 7:18:01 PM
To: Leifer, Kerry [Leifer.Kerry@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Hmm, **Ex. 5 Deliberative Process (DP)** We definitely need to refine our message on this.

Ed

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Wednesday, February 24, 2021 2:16 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

One big communication issue here is the definition of PFAS. Under the broadest possible definition (which basically includes any chemical with a carbon-fluorine bond in its structure), there are some active ingredient and inert ingredient PFAS, including some inert ingredients listed in InertFinder.

If the discussion is on the types of PFAS that migrated from the fluorinated HDPE containers in question, and that are of known risk concerns, they are not used as inert ingredient or listed in InertFinder. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

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From: Goodis, Michael

Sent: Wednesday, February 24, 2021 1:56 PM

To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>

Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>

Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Are we not able to confirm there are no PFAS compounds in Inert Finder for #7 below?

Looping in RD for input.

Michael L. Goodis, P.E.

Acting Deputy Director for Programs

Office of Pesticide Programs

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Washington, D.C.

571-309-5497 (cell)

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>

Sent: Wednesday, February 24, 2021 11:23 AM

To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>

Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>

Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Hi Ed – We had included a sentence but OGC thought that the statement could be fall into CBI so asked that it be taken out.

Statement we had at the end but was removed: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Messina, Edward <Messina.Edward@epa.gov>

Sent: Wednesday, February 24, 2021 11:15 AM

To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>

Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>

Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

These are good. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ed Messina, Esq.

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From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>

Sent: Wednesday, February 24, 2021 11:03 AM

To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>

Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>

Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Importance: High

Thanks Mike.

Ed – Please let me know if you have any comments.

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Wednesday, February 24, 2021 10:33 AM

To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>

Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>

Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Thanks – I don't have any comments.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
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Washington, D.C.
571-309-5497 (cell)

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>

Sent: Wednesday, February 24, 2021 8:40 AM

To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>

Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>

Subject: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

HI – Below for your review is the response to an E&E News inquiry regarding the PFAS in pesticide packaging. The response was also reviewed by OGC.

1. *Who manufactures the barrels in question?*

EPA is investigating the fluorination process used by Ex. 5 Deliberative Process (DP) on high-density polyethylene (HDPE) containers used to store and transport pesticides.

2. *What can you tell us about the levels of PFAS EPA found in the barrels? Were the measurements in ppt, ppb?*

In the coming weeks, EPA is planning to release data providing insight into PFAS compounds and levels found in the identified product and present in/on fluorinated containers.

3. *Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?*

At this point, EPA does not believe the issue is specific to any geographic area. EPA is using its authorities under FIFRA and TSCA to obtain more information about the potential scope of this contamination and to evaluate whether other regulated products may be affected.

4. *What can you tell us about what other products might be contained in these barrels?*

- ***Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?***

EPA understands that roughly 20-30% of all rigid agriculture chemical packaging in North America is fluorinated HDPE. Fluorinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. EPA is working to understand the extent and significance of the potential for PFAS contamination and continues to be in close communication with the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

For information on food and PFAS, contact FDA.

5. *Is EPA working with any trade groups or organizations on this issue to communicate with pesticide manufacturers? Are there any plans to do widespread testing of other pesticides that are transported in the barrels?*

Yes, EPA has been in close communication with trade associations. In order to better understand the health and environmental risk implications of this issue, as well as the scope of this issue, EPA is working with industry and trade organizations to raise awareness, set clear expectations for product stewardship and to uncover possible contamination issues. EPA is considering options for future actions that may include additional pesticide product testing and is actively testing additional fluorinated HDPE containers.

6. *Regarding EPA's Inert Finder, are companies meant to use that as a baseline for what inert ingredients are permitted?*

The InertFinder is a tool for helping stakeholders determine which inert ingredients are approved (or not approved) for use in pesticide products. However, inclusion of an inert ingredient on the approved list does not constitute approval for use in any particular pesticide product. Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. In addition, tolerances or tolerance exemptions are required for all ingredients, including inert ingredients, present from use of pesticides on food and feed. Those tolerances and exemptions can be found in the Code of Federal Regulations. In the case of nonfood use inert ingredients, the Office of Pesticide Programs maintains a database of nonfood use limitations and approvals.

7. *Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?*

Inert Finder may contain legacy chemicals not currently approved for use in pesticide products. The most up-to-date tolerances and tolerance exemptions are found in the electronic CFR. Occasionally, EPA receives inquiries about specific chemicals listed in the Inert Finder and follows up on those inquiries as received.

EPA is exploring all possibilities and continues to gather data on the PFAS compounds and levels that may be found in the identified product and containers.

From: Ev Crunden <ecrunden@eenews.net>

Sent: Monday, February 22, 2021 5:38 PM

To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; awittenberg@eenews.net; Press <Press@epa.gov>

Subject: Re: PFAS in pesticide barrels--E&E News

Hi Andrea,

Thanks for the update! We realized we have a lot of questions as we try to get a grasp on all of this, so just wanted to collect them below in one place for you, if written responses work best.

We are wondering:

- Who manufactures the barrels in question?
- What can you tell us about the levels of PFAS EPA found in the barrels? Were the measurements in ppt, ppb?
- Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?
- What can you tell us about what other products might be contained in these barrels?
- Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?
- Is EPA working with any trade groups or organizations on this issue to communicate with pesticide manufacturers? Are there any plans to do widespread testing of other pesticides that are transported in the barrels?
- Regarding EPA's Inert Finder, are companies meant to use that as a baseline for what inert ingredients are permitted?
- Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?

Sorry for the onslaught but just want to make sure we get everything. Thanks so much.

Best,
Ev